

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**TERRANCE MOORE
ADC #105735**

PLAINTIFF

v.

CASE NO. 5:12CV00347 BSM

JOHN H. SPEARS, *et al.*

DEFENDANTS

ORDER

The proposed findings and recommended disposition [Doc. No. 9] submitted by United States Magistrate Judge Joe Volpe and the objections thereto have been reviewed. After careful consideration and a *de novo* review of the record, it is found that the proposed findings and recommended disposition should be, and hereby are, approved and adopted in their entirety.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion to dismiss [Doc. No. 4] is granted and plaintiff Terrance Moore's complaint [Doc. No. 1] is dismissed with prejudice.
2. Dismissal of Moore's complaint constitutes a "strike" within the meaning of the Prison Litigation Reform Act (PLRA), 28 U.S.C. Section 1915(g).
3. It is certified, pursuant to 28 U.S.C. Section 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

Dated this 26th day of March 2013.


UNITED STATES DISTRICT JUDGE